

REMARKS

I. Introduction

Claims 1-58 were previously pending in this application.

Claims 3, 4, 8, 15, 23, 25 and 27-37 were previously withdrawn from consideration.

Claims 1-58 have now been canceled, *without prejudice*, and new claims 59-67 have been added to expedite the instant prosecution.

Favorable consideration is respectfully requested in light of the foregoing clarifying amendments and the following remarks.

II. New Claims 59-67 Define Over the Art of Record

Applicant submits that the current claims are patentable over the cited references.

Again, among other things, Marsh, Schneider, and Deul fail to disclose, teach or suggest providing a bellows structure. Thompson was cited for the proposition that it is known to provide an accumulator chamber with a piston 22 and with a sealing structure in the form of a bellows structure 26,28 to create chamber 20 for pressurized gas or air. However, as previously noted, Thompson does not, *inter alia*, disclose or suggest the use of a metal bellows member/diaphragm. Rather, Thompson merely discloses that “diaphragms 26, 28 are made from a durable corrosion-resistant material such as a polymer or nylon material” in the “preferred embodiment.” No other types of “selectively expandable diaphragms” are disclosed or suggested. Mainz was cited for the proposition that it is known to provide a chamber with dual pistons connected by a bar.

However, contrary to the claimed invention, and among other things, Mainz fails to teach or suggest providing a device in which the first chamber and the second chamber are in operative communication such that, with a pressure change in one of the chambers, one of the first or second chambers expands in volume while the other of the first or second chambers behaves in an opposing manner and contracts in volume. In contrast, the purported chambers of Mainz are tied together such that as one chamber expands or contracts, the other chamber follows the lead – i.e., it clearly does not work in an opposing manner. Further, with reference to the limitation of claim 60, Applicant notes that the bar 13 disclosed by Mainz directly enters what could arguably

be defined as a lower-depicted balancing chamber – which, is also at least in part, is responsible for the previously noted distinction in which the upper and lower chambers of Mainz vary in unison.

Claims 61-67 include further limitations and, as they depend directly or indirectly from claim 59, are also patentable over the references of record.

III. Conclusion

All of the prior claims have been canceled, without prejudice, to expedite the prosecution of the current claims, which are believed to distinguish over the art of record.

Applicant expressly reserves the right to re-present any or all of the canceled claims, including those withdrawn in response to earlier election. As such, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of any prior rejection, issue or comment. Moreover, because the arguments advanced herein may not be exhaustive, there may be additional reasons for patentability with respect to any or all of the pending claims that have not been expressed.

For all of the above reasons, Applicant submits the claims are now in proper form, and that the application is now in condition for allowance. Such action is respectfully solicited.

If for any reason the application is not believed to be in full condition for allowance, the Examiner is earnestly requested to contact the undersigned.

Respectfully submitted,

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